

End of Amendment "B"

Remarks

Amendments to the Claims

The claims have been amended, as indicated above. The amendments to the indicated claims has been presented in accordance with the proposed revisions to 37 C.F.R. §1.121 as set forth in 1267 OG 106 (25 February 2003). No new matter has been introduced through the amending of the claims.

Rejection of Claims under 35 U.S.C § 112

Claims 1-13, 15, and 22 are rejected under 35 U.S.C. § 112, second paragraph. With respect to claims 1, 4, and 22, the Examiner is invited to review the specification at paragraph 17 and Figure 2, where it is clearly shown that an inventive step in claims 1, 4, and 22 resides in inserting a new ink/toner container into the printing system 4 (step 52); allowing printer driver 6 to recognize the new ink/toner container and requesting if the user remembers which color was first depleted in the previously installed cartridge (step 54); if the user is unable to determine which color was first depleted in the previously installed cartridge, the user can click on the user history button 206 (FIG. 5) (step 56); if the user can determine which color was first depleted in the previously installed cartridge, the user can select the color in color box 202 (FIG. 5) (step 58); the user can then determine if a color compensation is to be performed on that depleted color (step 60); and if the user desires to compensate for that color, a compensation is performed on that color (step 62). If user does not desire to compensate for that color, no compensation is performed on that color. The Applicant also contends that claims 1, 4 and 22 have been amended to alleviate any antecedent basis issues. With respect to claims 10 and 13, claims 10 and 13 have been cancelled. Therefore, the Applicant requests the Examiner reconsider and withdraw the rejection.

Rejection of Claims under 35 U.S.C § 103

Claims 10-12 and 15 are rejected under 35 U.S.C §102 (b) as being anticipated by Wetchler et al. in view of Tietjen et. al. The Applicant respectfully traverses this rejection. Claims 10-12 and 15 have been cancelled. Therefore, the Applicant requests that the Examiner reconsider and withdraw the rejection.

The Applicant gratefully acknowledges the allowance of claims 1-9, 13 and 22 if re-written to overcome the rejections under 35 U.S.C. § 112, second paragraph. However, the Applicant contends that the independent claims have been amended to overcome the rejections under 35 U.S.C. § 112, second paragraph.

Finally, several new claims are added. These new claims do not broaden the scope of the patent protection sought and the new independent claim does share a common element of novelty with the other independent claims and should be entered.


In view of the above, it is respectfully submitted that this case is in condition for allowance and now may be passed to issue forth with. A holding to this effect is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this patent application, the Examiner is invited to contact the undersigned attorney during normal Pacific Time Zone business hours.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise

improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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